

**BEFORE THE
DEPARTMENT OF TELECOMMUNICATIONS & ENERGY
OF THE COMMONWEALTH OF MASSACHUSETTS**

_____)
Investigation by the Department of _____)
Telecommunications and Energy on its own _____)
Motion into the Appropriate Regulatory Plan _____)
to succeed Price Cap Regulation for Verizon _____)
New England, Inc. d/b/a Verizon Massachusetts' _____)
intrastate retail telecommunication services in _____)
the Commonwealth of Massachusetts _____)
_____)

Docket D.T.E. 01-31

**REPLY BRIEF
OF THE
NEW ENGLAND PUBLIC COMMUNICATIONS COUNCIL, INC.**

COMES NOW, the **NEW ENGLAND PUBLIC COMMUNICATIONS COUNCIL, INC.** (“NEPCC”), acting through counsel and in accordance with the revised Briefing Schedule established for Phase II of this Docket, hereby files its Reply Brief.

1. In its Initial Brief Verizon Massachusetts (“VM”) again suggests that the Department decline to set rates for Public Access Line (“PAL”) service in this Docket. VM Initial Brief, at page 5. Despite providing the Department with UNE-based rates for this “wholesale offering,” VM argues that PAL rate revisions should not be adopted as part of any action by the Department in this Docket, Id.

2. The NEPCC, as previously noted in its Initial and Reply Comments concerning Verizon’s June 5, 2002 Compliance Filing in Phase I of this proceeding, does not agree with all the UNE rates that VM would now have the Commission apply to PAL services. However, VM’s proposed UNE

3. Moreover, Docket 97-18/97-88 (“Docket 97-18”) was initiated in December of 1997, some 5 years ago. Whether the Department chooses to address the issue of PAL rates in this Docket, incorporating by reference the very substantial evidence developed in Docket 97-18, or decides the issue in that Docket, giving due consideration to the UNE-rates proposed herein as well, the NEPCC respectfully submits that the Department should finally resolve the issue. As previously noted in this Docket, the NEPCC has suggested rates in Docket 97-18 which meet the FCC cost-based standards first adopted in 1996, pursuant to Section 276 of the Communications Act. VM’s UNE-based rates herein only lend further credence to those NEPCC proposals.

**NEW ENGLAND PUBLIC
COMMUNICATIONS COUNCIL, INC.**

Date: December 3, 2002

CERTIFICATE OF SERVICE

I, Tina M. Cruikshank, a secretary with the Law Firm of Patton Boggs LLP, do hereby certify that on this 3rd day of December 2002, I served by electronic mail and first-class U.S. mail, postage prepaid, the foregoing Reply Brief of the New England Public Communications Council, Inc. on the parties listed on the attached Service List.

Tina M. Cruikshank

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Regulation for Verizon New England,)	D.T.E. 01-31
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